

111703

13281

MORGAN L. FITCH, JR.  
FRANCIS A. EVEN\*  
JULIUS TABIN  
JOHN F. FLANNERY  
ROBERT B. JONES  
JAMES J. SCHUMANN  
JAMES J. HAMILL  
TIMOTHY E. LEVSTIK  
JOSEPH E. SHIPLEY  
KENNETH H. SAMPLES  
PHILIP T. PETTI  
JOSEPH T. NABOR  
STEVEN C. SCHROER  
RICHARD A. KABA\*  
KARL R. FINK  
MARK W. HETZLER  
TIMOTHY P. MALONEY  
JAMES P. KRUEGER  
STEPHEN S. FAVAKEH  
EDWARD W. GRAY, JR.\*  
RICHARD E. WAWRZYNIAK  
STEVEN G. PARMELEE  
SHERRI N. BLOUNT\*  
BRUCE R. MANSFIELD  
KENDREW H. COLTON\*  
G. PAUL EDGELL\*  
RICHARD W. SCHUMACHER  
MICHAEL A. SANZO\*

# FITCH, EVEN, TABIN & FLANNERY

ATTORNEYS AND COUNSELLORS AT LAW

*Established in 1859*

SUITE 401L - 1801 K STREET, NW  
WASHINGTON, D.C. 20006-1201

TELEPHONE (202) 419-7000  
FACSIMILE (202) 419-7007

## ILLINOIS OFFICE

SUITE 1600 - 120 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS 60603-3406  
TELEPHONE (312) 577-7000

## CALIFORNIA OFFICE

SUITE 250 - 9276 SCRANTON ROAD, SAN DIEGO, CA 92121-7707  
TELEPHONE (858) 552 1311

## COLORADO OFFICE

SUITE 213 - 1942 BROADWAY, BOULDER, COLORADO 80302  
TELEPHONE (303) 402-6966

CHRISTOPHER E. GEORGE  
SCOTT J. MENGHINI  
EDWARD E. CLAIR  
SANDRA V. SCAVO  
JON A. BIRMINGHAM  
RUDY KRATZ  
RAMON R. HOCH\*  
JOHN E. LYHUS  
STEVEN M. FREELAND  
DONNA E. BECKER  
SEAN R. O'DOWD  
MICHAEL G. VRANICAR  
BRIAN S. CLISE  
MARTIN R. BADER  
DEREK L. PRESTIN  
MARK A. BORSOS  
DAVID R. JAGLOWSKI  
W. BRIAN EDGE\*

## PATENT AGENTS

ERIC J. WHITESSELL  
JONATHAN H. BACKENSTOSE  
LILIA I. SAFONOV

## OF COUNSEL

THOMAS F. LEBENS  
GEORGE W. SPELLMIRE, JR.  
LISA M. SOMMER

22386 U.S. PTO  
10/714447

111703

November 17, 2003

\*ADMITTED TO D.C. BAR; D.C. PRACTICE OF  
ALL OTHERS LIMITED TO FEDERAL COURTS  
AND AGENCIES

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Re: Continuation Patent Application  
(Continuation of U.S. application no. 09/631,116)  
Appl. No.: to be assigned  
Filed: herewith  
For: **Novel Compounds with Analgesic Effect**  
Inventor(s): Roberts, *et al.*  
Atty. Dkt.: 7567/80871

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. A copy of application no. 09/631,116, as filed in the U.S. Patent and Trademark Office on August 2, 2000, comprising:

a title page naming Edward Roberts, Niklas Plobeck and Claes Wahlestedt as inventors (unnumbered),  
91 pages of Specification (numbered as pages 1-91),  
13 pages of Claims (numbered as pages 92-104), and  
a one page Abstract (numbered as page 105);

2. A copy of the Declaration (37 C.F.R. § 1.63) and Power of Attorney executed by inventors Edward Roberts, Niklas Plobeck and Claes Wahlestedt and filed in grandparent application 08/836,830 (4 pages);
3. Preliminary Amendment (3 pages);
4. A copy of the recorded Assignment to Astra Pharma Inc. executed by inventors Edward Roberts, Niklas Plobeck and Claes Wahlestedt and filed in grandparent application 08/836,830 (5 pages);
5. A copy of the recorded Merger document assigning rights from Astra Pharma Inc. to AstraZeneca Canada Inc. (7 pages);
6. General Authorization for Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(3) (1 page);
7. General Authorization to Charge Deposit Account (1 page);
8. Information Disclosure Statement (3 pages);
9. Form PTO-1449, List of References Cited by Applicant (4 pages); and
10. Two (2) return postcards.

The present application is a continuation of U.S. 09/631,116, filed on August 2, 2000, which is a continuation of U.S. 08/836,830, filed on April 27, 1997. The '830 application represents U.S. national phase of PCT/SE96/01635, with an international filing date of December 11, 1996. The international application claims priority to Swedish application no. 9504661-1, filed on December 22, 1995.

The entire disclosure of the prior application, from which an oath or declaration is being supplied herewith in copy form, is considered a part of the disclosure of the accompanying continuation application and is hereby incorporated by reference.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present continuation application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this continuation application are the same as the inventors named on the parent, and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/631,116).

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with the parent application (09/631,116). The present application relies upon 09/631,116 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the listed references are not being submitted. If, for any reason, the Examiner cannot locate a listed reference, Applicants will be happy to submit a copy as a courtesy.

A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

A separate written request, which is a general authorization to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, is enclosed.

#### **Fee Calculation**

Applicants calculate the filing fee is as follows:

	Total		No. Extra	Rate	Fee
<b>Basic Filing Fee</b>					<b>770.00</b>
<b>Total Claims Fee</b>	<b>21</b>	<b>20=</b>	<b>1</b>	<b>\$ 18.00</b>	<b>18.00</b>
<b>Independent Claims Fee</b>	<b>1</b>	<b>3 =</b>	<b>0</b>	<b>\$ 86.00</b>	<b>0.00</b>
<b>Multiple Dependent Claims Fee</b>				<b>\$ 290.00</b>	<b>290.00</b>
<b>TOTAL FEES DUE</b>					<b>\$ 1,078.00</b>

**This application is being filed without the filing fee.**

Commissioner of Patents  
November 17, 2003  
Page 4

**Correspondence in this case should be directed to:**

**Michael A. Sanzo  
Fitch, Even, Tabin & Flannery  
1801 K Street, N.W., Suite 401L  
Washington, DC 20006-1201  
Phone: (202) 419-7013  
Fax: (202) 419-7007**

It is respectfully requested that the enclosed postpaid postcards be stamped with the serial number and the date the enclosed documents are received by the PTO and that they be returned as soon as possible.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink that reads "Michael A. Sanzo". The signature is written in a cursive, flowing style.

Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

MAS:ct  
Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Roberts, *et al.*

(Cont. of Appl. No.: 09/631,116)

Filed: herewith

Appl. No.: to be assigned

For: **Novel Compounds with Analgesic Effect**

Art Unit: to be assigned  
(1624 in parent case)

Examiner: to be assigned  
(E. Bernhardt in parent case)

Atty. Dkt.: 7567/80871

**General Authorization for Petition for  
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicants hereby request under 37 C.F.R. §1.136(a)(3) by this general authorization that any concurrent or future reply submitted by Applicants to the United States Patent and Trademark Office for the above-identified patent application requiring a petition for an extension of time under §1.136(a) for its timely submission be treated as incorporating therein a petition for an extension of time for the appropriate length of time.

If Applicants do not timely pay for any extension fee(s) pursuant to 37 C.F.R. §1.136(a) which may become due for this application under 37 C.F.R. §1.17 by check, the Director is hereby authorized to charge such fee(s), and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135 under Order No. 7567/80871.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By Michael A. Sanzo  
Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date November 17, 2003  
1801 K Street, N.W., Suite 401L  
Washington, DC 20006-1201  
Phone: (202) 419-7013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Roberts, *et al.*

(Cont. of Appl. No.: 09/631,116)

Filed: herewith

Appl. No.: to be assigned

For: **Novel Compounds with Analgesic Effect**

Art Unit: to be assigned  
(1624 in parent case)

Examiner: to be assigned  
(E. Bernhardt in parent case)

Atty. Dkt.: 7567/80871

**General Authorization to Charge Deposit Account**

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135 under Order No. 7567/80871.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By



Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

Date November 17, 2003  
1801 K Street, N.W., Suite 401L  
Washington, DC 20006-1201  
Phone: (202) 419-7013